

REMARKS


In the parent case, U. S. Serial No. 09/224,558, Applicant received a Restriction Requirement, attached as Exhibit A, indicating that the claims as filed constituted five separate inventions as follows: Group I, drawn to a method of inhibiting cancer cell growth or killing cancer cells, classified in class 424, subclass 193.1, as exemplified by originally filed claims 1-8, 11, and 12; Group II, drawn to a method of treating cancer, classified in class 424, subclass 277.1, as exemplified by originally filed claims 9-11 and 26-27; Group III, drawn to a method of making an antibody, classified in class 424, subclass 130.1, as exemplified by originally filed claims 13-14; Group IV, drawn to an antibody, classified in class 530, subclass 387.1, as exemplified by originally filed claims 15-21; and Group V, drawn to the method of detection phosphatidyl serine, classified in class 435, subclass 7, as exemplified by originally filed claims 22-25.

The Group I invention was elected for prosecution in the parent case, which was allowed on April 23, 2001 and has since issued on October 9, 2001. Applicant has determined to elect to prosecute the Group IV invention in the present case. Thus, claims 1-14 and 22-27 have been canceled without prejudice or disclaimer from this divisional application. Therefore, the presently pending claims in this case are claims 15-21, attached as Exhibit B.

Also, Applicant respectfully notes that in the Request for Filing a Divisional Application Under 37 C.F.R. § 1.53(b), Applicant amended the specification to claim priority to the parent application, Serial No. 09/224,558, filed December 30, 1998, which issued as U.S. Patent 6,300,308 on October 9, 2001, and claims priority to Provisional Application Serial No. 60/071,794, filed December 31, 1997.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/10110355/MBW.

Respectfully submitted,


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